

PERKINS
SMITH &
COHEN

RECEIVED
CENTRAL FAX CENTER

MAR 10 2004

#15B

Perkins Smith & Cohen LLP
Attorneys at Law

Jacob N. Erlich
Direct Dial 617-854-4281

OFFICIAL

FAX COVER SHEET

Date: March 10, 2004

Client Code: 10845-131

To: U.S. Patent and Trademark Office

Company: _____

Fax #: 703-872-9306

Telephone#: _____

Subject: U.S. Patent Application No. 09/702,407

Amendment (D) to Office Action dated October 1, 2003 and Advisory Action dated February 10, 2004

From: Jacob N. Erlich

Direct Dial: 617-854-4281

Assistant: _____

Direct Dial: _____

Pages: 16 14, including this cover sheet.

MESSAGE:

Please see the attached.

*Jacob N. Erlich 3/10/04
REG NO. 24338*

NOTICE: This fax transmission contains confidential information from a law office. The information is intended only for the use of the individual(s) or entity named on this transmission sheet. If you are not the intended recipient, any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is prohibited, and this entire transmission should be returned to this firm immediately. If you have received this fax in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you. Thank you for your help.

One Beacon Street, 30th Floor, Boston, MA 02108-3106 Tel 617.854.4000 Fax 617.854.4040

Boston, MA Providence, RI Washington, DC

www.pacboston.com

Under the Paperwork Reduction Act of 1995, no burdens are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(TO BE USED FOR ALL CORRESPONDENCE AFTER INITIAL FILING)

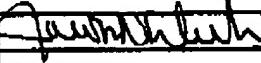
Total Number of Pages in This Submission

Application Number	09/702,407
Filing Date	October 31, 2000
First Named Inventor	S T Kelling
Art Unit	2172
Examiner Name	J. Flanagan
Attorney Docket Number	10845-131

ENCLOSURES (Check all that apply)

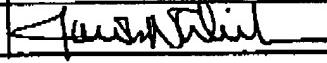
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Alter Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Facsimile cover sheet
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	Jacob N. Erlich, Reg. No. 24,338	
Signature		
Date	March 10, 2004	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Jacob N. Erlich	
Signature		Date
	March 10, 2004	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to use (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003 Patent fees are subject to annual revision

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 210.00)

Complete if Known

Application Number	09/702,407
Filing Date	October 31, 2000
First Named Inventor	Steven T. Kelling
Examiner Name	Jean B. Fleurantin
Art Unit	2172
Attorney Docket No.	10845-131

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account:

03-2410 (Order 10845-131)

Perkins Smith & Cohen LLP

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayment(s)
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee
 to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 590	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			210.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Extra Claims below	Fee Paid
		-20" =	
		- 3" =	

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	" Reissue independent claims over original patent
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**For number previously paid, if greater. For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1261 110	2281 55	Extension for reply within first month	210.00
1252 420	2252 210	Extension for reply within second month	
1253 850	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(b))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.128(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 800	1802 800	Request for expedited examination or a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			

(Complete if applicable)

SUBMITTED BY	Jacob N. Erlich	Registration No (Attorney/Agent)	24,338	Telephone 617-854-4000
Name (Print/Type)		Date		March 10, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patient fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 210.00)

<i>Complete if Known</i>	
Application Number	09/702,407
Filing Date	October 31, 2000
First Named Inventor	Steven T. Kelling
Examiner Name	Jean B. Fleurantin
Art. Unit	2172
Attorney Docket No.	10845-131

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

Deposit Accounts

Deposit
Account
Number
Deposit
Account
Name

	03-2410 (Order 10845-131)
	Perkins Smith & Cohen LLP

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) or any underpayment of fee(s)

Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEES CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee	Fee	Fee	Fee Description	Fee Paid
		Code (\$)		Code (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath		
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		
1053	130	1053	130	Non-English specification		
1812	2,520	1812	2,520	For filing & request for ex parte reexamination		
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
1251	110	2251	55	Extension for reply within first month		210.00
1252	420	2252	210	Extension for reply within second month		
1253	850	2253	475	Extension for reply within third month		
1254	1,480	2254	740	Extension for reply within fourth month		
1255	2,010	2255	1,005	Extension for reply within fifth month		
1401	330	2401	185	Notice of Appeal		
1402	330	2402	185	Filing a brief in support of an appeal		
1403	290	2403	145	Request for oral hearing		
1451	1,510	1451	1,510	Petition to institute a public use proceeding		
1452	110	2452	55	Petition to revive - unavoidable		
1453	1,330	2453	665	Petition to revive - unintentional		
1501	1,330	2501	665	Utility issue fee (or reissue)		
1502	480	2502	240	Design issue fee		
1503	640	2503	320	Plant issue fee		
1460	130	1460	130	Petitions to the Commissioner		
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
1806	180	1806	180	Submission of Information Disclosure Stmt		
8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		
1801	770	2801	385	Request for Continued Examination (RCE)		
1802	800	1802	800	Request for expedited examination of a design application		

EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/> -20" = <input type="text"/>	x <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/> - 3" = <input type="text"/>	x <input type="text"/>	= <input type="text"/>
Multiple Dependent			= <input type="text"/>

<u>Large Entity</u>	<u>Small Entity</u>		<u>Fee Description</u>
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9		Claims in excess of 20
1201 86	2201 43		Independent claims in excess of 3
1203 290	2203 145		Multiple dependent claim, if not paid
1204 86	2204 43		" Reissue independent claims over original patent
1205 18	2205 9		" Reissue claims in excess of 20 and over original patent

Other fee (specify) _____

^{**}or number previously paid, if greater. For Reissues, see above.

Reduced By Basic Filing Fee Factor

SUBTOTAL (3) (\$)

SUBMITTED BY

(Complete if applicable)

Name (First/Last) **Jacop N. Erlich** - Registration No **24,338** Telephone **617-854-4000**
Sociedad **1** Date **March 10, 2004**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS!
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.